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**Cooperation between the United Nations and regional
and other organizations: cooperation between the
United Nations and the African Union**

Review of the ten-year capacity-building programme for the African Union

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 9 of the declaration on enhancing United Nations-African Union cooperation: framework for the ten-year capacity-building programme for the African Union (A/61/630, annex), drawn up in response to the 2005 World Summit Outcome document (General Assembly resolution 60/1), in which Member States agreed to work to support the capacity-building of the African Union and African subregional organizations in a variety of areas, and which was subsequently endorsed by the Assembly in its resolution 63/310 and by the Security Council in a statement by the President (S/PRST/2007/7).

2. With an initial focus on peace and security, the Declaration was conceived as an evolving strategic framework for United Nations-African Union cooperation to improve coordination and cohesion in the engagement of the United Nations system with the African Union and the regional economic communities. The Declaration built on existing areas of cooperation and covered the following: institution-building, human resources development and financial management; peace and security; human rights; political, legal and electoral matters; social, economic, cultural and human development; and food security and environmental protection.

3. The present review was carried out in collaboration with an independent expert who was given the task of assessing the extent to which the framework's objectives of, inter alia, enhancing and strengthening the capacity of the African Union Commission and the regional economic communities to act as effective partners in facing the challenges of human security in Africa, were being met. The independent expert worked in coordination with the Economic Commission for Africa (ECA), the former United Nations Liaison Office to the African Union and other



programmes, funds and agencies of the United Nations system, as well as with African Union institutions in Addis Ababa. The independent expert also travelled to New York, where he sought the views of senior United Nations officials and experts. As envisaged in the framework, the review covered the first three years of United Nations activities to support the African Union in building its institutional capacity, following the signing of the Declaration in November 2006. The findings and recommendations of the independent expert were subsequently discussed at the eleventh session of the Regional Coordination Mechanism of United Nations agencies and organizations working in Africa in support of the African Union and its New Partnership for Africa's Development (NEPAD) programme, held in Addis Ababa from 14 to 15 November 2010. The present report also incorporates an update on the activities carried out by the various United Nations departments, and by the programmes, funds and agencies of the United Nations system since the completion of the review on 21 September 2009.

II. Support of United Nations departments and programmes, funds and agencies to the implementation of the ten-year capacity-building programme

4. United Nations system activities in support of African Union institutions, in particular capacity-building efforts, are described in a number of reports of the Secretary-General.¹ Overall, the United Nations system has substantially supported the programmes to enhance peace, security, governance and development on the continent. It also delivered support through, *inter alia*, the provision of technical assistance, advisory services, institutional and programme support and capacity-building.

5. Given the initial focus of the ten-year capacity-building programme on peace and security, the present report concentrates mainly on activities and programmes conducted in those areas. Various departments, and programmes, funds and agencies of the United Nations system as well as the Regional Coordination Mechanism for Africa and its cluster system contributed to the operationalization of the programme. In particular, in the area of peace and security, the United Nations has made significant contributions to regional efforts. The major areas of cooperation between the two organizations were therefore established to meet evolving priorities of the African Union institutions and their capacity to respond to emerging challenges in Africa.

6. The Department of Political Affairs provided support to the African Union Commission in the areas of mediation support, electoral assistance, gender mainstreaming and, in coordination with the Department of Field Support, the African Union border programme. In 2008, the Department of Political Affairs developed a two-year joint African Union-United Nations work programme to enhance the mediation capacity of the African Union and to serve as the overall framework for mediation support to the African Union by key international partners. In 2009 and 2010, the Department of Political Affairs supported the conceptualization of an African Union mediation strategy, the creation of a roster of African mediators

¹ A/63/228-S/2008/531 and Corr.1; A/63/666-S/2008/813; A/64/359-S/2009/470; A/65/382-S/2010/490; A/65/510-S/2010/514; S/2008/186.

and experts, and the development of African Union-United Nations mediation partnership guidelines on the basis of lessons learned from joint mediation efforts in Guinea-Bissau, Kenya, Somalia and Darfur. The Department has also invited African Union participants to all training programmes it has organized, and in 2007 African Union staff participated in a training course on mediation and dialogue organized jointly by the Department and the Folke Bernadotte Academy. Other sessions of the joint United Nations-African Union-Folke Bernadotte Academy course, entitled "Capacity-building in mediation and dialogue through experience sharing", were organized in Debre Zeit, Ethiopia, in October 2008 and in Nairobi, Kenya, in October 2010. The latter also included participants from the Economic Community of West African States (ECOWAS), the Common Market for Eastern and Southern Africa (COMESA) and the European Union. In June 2010, a workshop entitled "Gender mainstreaming and the implementation of Security Council resolution 1325 (2000)" was held for 18 African Union staff, including participants from the Peace and Security Council of the African Union, and from its Political Affairs and Social Affairs Departments. The workshop also contributed to the formulation of an action plan. The Department of Political Affairs of the United Nations also supported the establishment of the secretariat of the African Union Panel of the Wise.

7. Members of the Security Council and the Peace and Security Council have held four joint consultative meetings, rotating between Addis Ababa and New York. At the request of the African Union, the Security Council Affairs Division of the Department of Political Affairs dispatched a mission to Addis Ababa in April 2009 to support the strengthening of the Peace and Security Council secretariat. The Department supported the creation and management of a database system for the Democracy and Electoral Assistance Unit of the African Union and the development of a roster of African electoral observers and experts. Extensive support has also been provided to the Elections Unit of the Political Affairs Department of the African Union Commission. In addition, the United Nations and the African Union, together with the regional economic communities, have carried out joint preventive diplomacy and peacemaking activities for the resolution of crises throughout Africa, including in the Comoros, Guinea, Guinea-Bissau, Kenya, Madagascar, Niger, Somalia and the Sudan.

8. Details concerning Department of Field Support and Department of Peacekeeping Operations support to the African Union Commission have been set out in the 14 October 2010 report on support to African Union peacekeeping operations authorized by the United Nations (A/65/510-S/2010/514). The support to build African Union capacity for peacekeeping includes areas of mission planning and management, mission support and the training of civilian, police and military personnel in accordance with the short- and medium- to long-term initiatives outlined in the report. Within the framework of the peace and security cluster of the ten-year capacity-building programme, the Department of Peacekeeping Operations and the Department of Field Support have provided ongoing support to the operationalization of the African Standby Force, which is one of the critical pillars of the African Peace and Security Architecture. In addition, the two Departments and other United Nations partners supported the African Union in the establishment of the former African Union Mission in Sudan (AMIS) and the hybrid United Nations-African Union Mission in Darfur (UNAMID). In Somalia, as part of the overall United Nations strategy for Somalia and in accordance with the relevant

Security Council resolutions, the United Nations is providing a logistics support package to the African Union Mission in Somalia (AMISOM) through the United Nations Support Office to AMISOM, as well as technical support to the African Union Commission in the planning, deployment and operations of AMISOM through the United Nations Office to the African Union.

9. The Department of Peacekeeping Operations also intensified its training support to the African Union Commission with the aim of developing African capacity. It has conducted courses at both the Commission and regional levels for carefully selected potential mission leaders (civilian, military and police) who could be deployed in African Union-mandated peace support operations. Steps are being taken to strengthen the training centres of excellence accredited by the African Union by conducting important United Nations courses at the centres, and also by carrying out a series of train-the-trainer programmes. In coordination with donors, the Department is facilitating the translation of the training material for the senior mission leaders course into the working languages of the African Union. At the same time, the African Union Commission has initiated steps to include the participants in the senior mission leader courses on a roster to facilitate their subsequent deployment.

10. The Department of Peacekeeping Operations also provided ongoing technical and advisory support and guidance to the African Union in the area of security sector reform within the context of the African Union-United Nations strategic partnership on security sector reform. The partnership has focused on support for the elaboration of the African Union's continental security sector reform policy, as requested by the African Union Assembly of Heads of State and Government in January 2008 (Assembly/AU/Dec.177 (X)), and for the implementation of that policy. The partnership is an integral part of the African Union multi-year project on security sector reform.

11. The Department of Field Support has focused on addressing some of the African Union's priority requirements in such areas of mission support as finance, logistics, human resources and procurement. Several steps have been taken with regard to information exchange in those critical areas. One of the proposed initiatives was a framework to be identified for continued sharing of United Nations experience and knowledge related to operations at logistics and support bases. In that regard, six introductory visits to the United Nations Logistics Base in Brindisi, Italy, and to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) support base in Entebbe, Uganda, were made by officials from the African Union Commission and the regional economic communities over the past year. A one-month study tour of the United Nations Logistics Base is planned for the ECOWAS logistics facility team in 2011. Those visits and other exchanges of information provide a foundation for the establishment of an African Union logistics base on the continent in the future.

12. Other short- and medium-term initiatives being explored include the possibility of providing African Union peace support operations authorized by the Security Council access to facilities at the United Nations Logistics Base; access to a surge capacity comprising a small team of experienced United Nations personnel in critical start-up functions such as planning, financial management, procurement, receipt and inspection, engineering and supply; and access to the United Nations strategic deployment stocks, existing United Nations systems contracts and strategic

lift capacities. Progress on these initiatives would require a detailed analysis of the financial, budgetary, human resources and legal implications relating to, inter alia, mechanisms for reimbursement and interoperability of processes. Options will be developed for the consideration and approval of the General Assembly, should United Nations legislative bodies wish the Secretariat to move forward with the above-mentioned initiatives. Lastly, familiarization visits by African Union Commission personnel to United Nations Headquarters and field missions are an important means of exchanging information and enhancing cooperation, specifically in the area of peacekeeping mission support. However, such visits would also require resources that are not presently provided for in the respective budgets.

13. While peace and security remained the priority during the first three years of the ten-year capacity-building programme, important programmatic action was delivered in the area of social, economic, cultural and human development, with a view to enhancing the African Union's capacities in other areas identified by the framework and strengthening the nexus between peace and security and development.

14. The Department of Economic and Social Affairs provided support to the African Union Commission through the formulation and implementation of a governance and public administration programme. It also assisted in strengthening and implementing policies on social and youth development and on governance of public utilities. It assisted in the development of statistical capacity in Africa through its collaboration with African regional institutions in setting up the African Statistical Knowledge Network. The Department has also been assisting with measures to improve reporting on the Millennium Development Goals and with the analysis and dissemination of census data. Through the United Nations Development Account project on capacity-building for interregional electricity access and supply in Africa, the Department provides support to the NEPAD short-term action plan on the development of regional infrastructure, particularly in the energy sector. The Department, in collaboration with the United Nations Development Programme (UNDP) and the World Bank, continued to focus on the United Nations Development Account project on realizing the Millennium Development Goals through socially inclusive macroeconomic policies, with Senegal, South Africa and Uganda among the developing countries where the project was expected to be completed by December 2010. The Department also undertook a capacity-building initiative in collaboration with UNDP, the African Water Facility of the African Development Bank (AfDB) and the European Union, with the aim of providing technical assistance and advisory services in the development and implementation of management plans for integrated water resources and in the development and testing of water sector monitoring methodologies, and of promoting the provision of water and energy services for rural poverty reduction.

15. The United Nations Development Programme contributed to building the capacity of the Peace and Security Directorate of the African Union Commission by funding the recruitment and training of the political analysts currently staffing the Directorate. It also provided, and continues to provide, substantial financial, material and technical support to the New Partnership for Africa's Development and its African Peer Review Mechanism. It managed the trust fund of the Mechanism and provided resources required to meet the staffing needs of its secretariat and the activities of the Panel of Eminent Persons. As a result of that support, 12 out of the 30 countries that signed onto the Mechanism have undergone peer reviews on their performance in the areas of democracy, human rights and economic and social

development. UNDP also contributed financially to the work of the Regional Coordination Mechanism.

16. The United Nations Children's Fund (UNICEF) provided support to the African common position aimed at realizing the Plan of Action towards Africa Fit for Children. That framework is primarily a set of priority areas for States to implement the protection and well-being of Africa's children. UNICEF also provided support to the African Union Commission in the production of the 2010 report on the state of Africa's children. Moreover, UNICEF provided capacity-building support to the African Union Commission's Department of Social Affairs and the secretariat of the African Committee of Experts on the Rights and Welfare of the Child by, among other things, conducting an evaluation on the mandate, functions, procedures and systems of the Committee, developing a plan of action for the Committee for the period 2010-2014 and strengthening the working linkages between that Committee and the Committee on the Rights of the Child through a series of joint working group meetings. The meetings created an opportunity for sharing experiences and agreeing on action-oriented recommendations that will enable the two committees to complement each other's work on monitoring the rights of children, including in humanitarian situations.

17. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provided support to the human rights unit in the Political Affairs Department of the African Union Commission to strengthen the capacity to promote and protect human rights within the Commission as well as within other African Union organs with a human rights mandate, such as the African Commission on Human and People's Rights, the African Court of Human and People's Rights and the African Committee of Experts on the Rights and Welfare of the Child. It has also helped strengthen the African Union resource centre for governance, democracy and human rights. The Office is currently assisting the Commission in the development of a comprehensive human rights strategy for Africa. The Office serves as the convener of the subcluster on human rights, justice and reconciliation and has ensured coordination and information-sharing among the programmes, funds and agencies of the United Nations system providing support to the African Union in the field of human rights.

18. The Office of the United Nations High Commissioner for Refugees (UNHCR) has helped to improve the capacity of the African Union Commission in planning and responding to refugee and displacement questions. It provided assistance to the Commission in drawing up the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). The Office continues to support the African Union in advocacy and promotional efforts towards member States to secure the necessary 15 ratifications to ensure the Convention enters into force as soon as possible. UNHCR also provided inputs to the African Union on the drafting of the African Union guidelines on the protection of civilians. It supported the African Union in the drafting of the African Union policy on post-conflict reconstruction and development, and it continues to work with the African Union to promote member States' awareness of the policy. The Office also assisted the African Union in compiling preliminary assessment reports on the status of post-conflict reconstruction in African countries emerging from conflict. Reports on 13 States in transition were published and disseminated widely.

19. The Office for the Coordination of Humanitarian Affairs provided support to the African Union and the regional economic communities in their efforts to build capacity for disaster response, including by training emergency response teams, which have been deployed in response to disasters in West Africa. Through the consolidated appeals process and the Central Emergency Response Fund, it has broadened the sources of support and emergency response for humanitarian and post-conflict recovery activities in Africa. The Office recently concluded a memorandum of understanding with the African Union Commission formalizing ongoing and planned support in early warning, disaster preparedness and response; coordination; and protection of civilians in situations of conflict and natural disasters. The Office has also collaborated with UNHCR and the International Organization for Migration (IOM) in addressing the issue of refugees and internally displaced persons through working with the African Union Commission on the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. As part of the training for the African Standby Force, the Office provided awareness training on humanitarian principles.

20. The Office of the Special Adviser on Africa continued its reporting, global advocacy and policy analysis and its coordination at United Nations Headquarters of United Nations system support to NEPAD. It published a number of analytical studies and reports, organized a series of meetings and workshops and generally promoted the objectives of NEPAD among Africa's development partners and the international community. The Office also highlighted Africa's growing relations with new and emerging partners. It convenes the Regional Coordination Mechanism cluster on advocacy and communications, which met during the reporting period to define and refine strategies for coordinating system-wide efforts to support the African Union and NEPAD through better information and communications strategies and the appointment of communications focal points in each cluster. In February 2009, in collaboration with the Economic Commission for Africa, UNDP and the NEPAD Planning and Coordinating Agency, the Office convened a regional media dialogue on NEPAD in Vaal, South Africa, for journalists and other media practitioners, to assist in promoting a better understanding of NEPAD and its vision, objectives and programmes, and in generating greater support. In follow-up to its expert group meeting on "Bridging the peace and development nexus, the role and capacities of African regional and subregional organizations", which took place on 9 and 10 November 2009 in Addis Ababa, the Office organized, on 18 October 2010, in coordination with the Office of the Permanent Observer of the African Union to the United Nations, the first briefing by the regional economic communities to the States Members of the United Nations in New York. The Office also convened the Headquarters-based interdepartmental task force on African affairs, which coordinates Headquarters activities in Africa. Pursuant to General Assembly resolution 63/304, the Office of the Special Adviser on Africa prepared, through the task force and in cooperation with the African Union Commission and the Office of the Permanent Observer, a comprehensive review of the recommendations contained in the 1998 report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871-S/1998/318). In his 10 July 2010 report (A/65/152-S/2010/526), the Secretary-General, *inter alia*, called for the gradual expansion of the ten-year capacity-building programme beyond peace and security, and for a new engagement with the continent.

21. The Department of Public Information publishes the magazine *Africa Renewal* on a quarterly basis in English and in French. Circulation is about 40,000 copies per issue. Themes covered in the issues published during the reporting period include education, maternal and child health, conflict and human trafficking, gender and development, and commodity prices and poverty. The Department also maintains a related website, *Africa Renewal Online*, which currently averages about 30,000 visitors per month; it carries not only an electronic version of the magazine but also additional material on Africa produced by the Department and by other parts of the United Nations system. In addition, through its radio and television programmes on Africa, the Department provides additional support to NEPAD. It also produces short feature articles on NEPAD and other topics related to Africa for use by print and electronic media in Africa and abroad. In 2008 and 2009, over 1,300 such stories were published in more than 200 media outlets.

22. The Economic Commission for Africa was reorganized in 2006 to better serve Africa and its key institutions and programmes. A NEPAD support unit, which also operates as the secretariat of the Regional Coordination Mechanism, and an African Peer Review Mechanism support unit were established. The substantive divisions of the Economic Commission for Africa realigned their programmes with the regional programmes of the African Union Commission, NEPAD and the regional economic communities. The Mechanism receives substantial technical support from ECA. As the office mandated with regional coordination, support and advocacy for NEPAD as well as for the secretariat of the Regional Coordination Mechanism system, ECA facilitated, liaised and coordinated actions by the United Nations in support of the ten-year capacity-building programme at the regional level. ECA provided a platform for networking and knowledge generation and management. It convened and serviced all of the Regional Coordination Mechanism meetings, including preparing meeting reports and other working documents. It initiated actions to assist the regional economic communities in establishing their own coordination mechanisms and convened several meetings to that effect. ECA provided substantial institutional and other support to the NEPAD programme and to the African Union, including needs assessment on advocacy, communications and knowledge management and the development of a strategy for the reconfiguration of communications, and of an advocacy programme for the NEPAD Planning and Coordinating Agency at the regional level. It also provided assistance at critical stages of the African Peer Review Mechanism in various countries as well as to the secretariat of the Mechanism to promote good governance across Africa.

23. Overall, support to the African Union and the regional economic communities on the part of individual departments and the programmes, funds and agencies of the United Nations system has generally been strong. However, efforts must be continued to better coordinate and realign that support with the ten-year capacity-building programme, since some of the activities undertaken were planned before the programme was put into place.

III. Coordination and consultation mechanisms

24. The Regional Coordination Mechanism was established by the Economic and Social Council in its resolution 1998/46 as a mechanism for consultation among over 40 programmes, funds and agencies of the United Nations system working at the African regional level. The framework of the Regional Coordination Mechanism

and its system of nine clusters (infrastructure development; governance; social and human development; environment, population and urbanization; agriculture, food security and rural development; science and technology; advocacy and communications; peace and security; and industry, trade and market access) and fifteen subclusters was adjusted so it could also serve as a mechanism for coordination and collaboration among United Nations entities and their partners towards the implementation of the ten-year capacity-building programme at the regional level. Its secretariat, which has since the tenth session of the Regional Coordination Mechanism in November 2009 been expanded into a joint secretariat with dedicated staff from the Economic Commission for Africa and the African Union Commission, is embedded within ECA. In addition, the African Union Commission and the regional economic communities actively participate in its activities, as do the African Development Bank and the World Bank. The Regional Coordination Mechanism has met on four occasions in the period under review, chaired by the Deputy Secretary-General and co-chaired by the Chairperson or the Deputy Chairperson of the African Union Commission.

25. The Economic Commission for Africa coordinates the infrastructure development cluster, which operates through the work of its four subclusters: water, energy, information and communications technology and transport. The cluster provided substantial support to the African Ministers' Council on Water, which is a ministerial forum of the African Union, by assisting with the development and harmonization of water policies and with the formulation of common strategies on water. Assistance has also been provided to raise funds for the African Water Facility, and support was given for information dissemination through such publications as *African Water Development Report*, *Africa water vision for 2025: equitable and sustainable use of water for socioeconomic development*, and *African Water Journal*. At the subregional level, assistance has been provided to strengthen the capacity of the water units of the regional economic communities and the river and lake basin organizations such as those for the Lake Chad basin and the Lake Victoria basin. In the field of energy, emphasis has been on access, efficiency and renewables. Support was given to the African Union Commission for the preparation of its African energy vision for 2025. More generally, studies have been conducted on important energy issues ranging from rural energy systems to the development of sustainable biofuels and the setting up of a clean energy finance facility by AfDB. A number of training activities have been mounted for operatives in the sector. In the area of information and communications technology development, focus has been on actions in support of the implementation of the NEPAD Infrastructure Short-Term Action Plan. The cluster assisted in the formulation of the African Regional Action Plan on the Knowledge Economy and provided substantive inputs into a 2009 African Union summit meeting on the theme, "Information and communications technology in Africa: challenges and prospects for development". It is currently collaborating on the implementation of the project on the harmonization of information and communications technology policies in Africa. The information and communications technology subcluster has helped African countries to participate in such global events as the World Summit on the Information Society. Work in the field of transport has concentrated on providing support for the implementation of the sub-Saharan Africa transport policy programme and of the Yamoussoukro Decision on liberalized access to air transport markets. Cluster members include the African Union Commission, NEPAD, the regional economic communities, AfDB, the Food and Agriculture Organization of the United Nations

(FAO), the International Atomic Energy Agency (IAEA), the International Maritime Organization (IMO), the International Telecommunication Union (ITU), the United Nations Conference on Trade and Development (UNCTAD), UNDP, the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF, the United Nations Human Settlements Programme (UN-Habitat), the United Nations Industrial Development Organization (UNIDO), the Universal Postal Union (UPU), the regional liaison office of the World Health Organization (WHO), the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), the World Meteorological Organization (WMO) and the World Bank.

26. The governance cluster is coordinated by UNDP, and its members are the African Union Commission, NEPAD, the regional economic communities, AfDB, ECA, the International Monetary Fund (IMF), the Office of the Special Adviser on Africa, the Department of Economic and Social Affairs, the United Nations Population Fund (UNFPA), the United Nations Liaison Office to the African Union of the Department of Political Affairs (now integrated into the United Nations Office to the African Union), the African Union Peace Support Team of the Department of Peacekeeping Operations (also integrated into the United Nations Office to the African Union), OHCHR, UNCTAD and the World Bank. Through the work of this cluster, substantial support was given to NEPAD for the launch of the Peer Review Mechanism in a number of African countries. The cluster also provided a database of experts to help with the reviews. Further assistance was given for the convening of the seventh African Governance Forum on the theme, "Building the capable State in Africa", in which Heads of State and media practitioners participated. The cluster has two subclusters: political governance and corporate governance.

27. The agriculture, food security and rural development cluster provides assistance to NEPAD and the African Union Commission through the support it extends to the Comprehensive Africa Agricultural Development Programme. The cluster helped to accelerate the implementation of the Programme through actions for the improvement of water control, infrastructure development and intra-African trade. Assistance was also provided for land reclamation, reduction of post-harvest losses and enhancement of the participation of women in the rural economy. The cluster lent support to the convening of the African Union special summit on food security in Africa, as well as the agriculture and rural development initiative for the Sahel of the Community of Sahel-Saharan States (CEN-SAD), the climate information for development initiative of the African Union Commission, the fertilizer summit, the Africa land policy and land reform initiative and the initiative on the green wall of the Sahara, a project set up to fight against land degradation and desertification in the Sahel. The Food and Agriculture Organization of the United Nations and the International Fund for Agricultural Development (IFAD) are coordinator and vice-coordinator, respectively, of the cluster. The members are the African Union Commission, NEPAD, the regional economic communities, ECA, IAEA, UNCTAD, UNDP, UNESCO, UNIDO, UNHCR, the World Food Programme (WFP), WIPO and the World Bank.

28. The United Nations Environment Programme is the coordinator of the environment, population and urbanization cluster, with the African Union Commission as co-coordinator. The members are NEPAD, the regional economic communities, ECA, IOM, UN-Habitat, UNFPA and WMO. The cluster provides

support to the sustainable NEPAD city programme, which seeks to strengthen the capacity of cities in Africa to deliver on the Millennium Development Goals, and to the NEPAD environmental initiative. It also assisted NEPAD in developing data for monitoring progress in meeting the goals it set for itself in the areas of population, environment and urbanization. It provided support for the convening of the African Ministerial Conference on the Environment, and to the regional economic communities in their effort to develop their respective environmental action plans. Assistance was also provided towards the establishment of the African Environment Facility, a mechanism for financing the Action Plan of the Environmental Initiative of NEPAD. Substantial assistance was provided to the African Union Commission for the implementation of multilateral environment agreements by member States and the regional economic communities. Through the work of the African Ministerial Conference on the Environment, and in collaboration with the regional economic communities, the cluster made substantial contributions to the development of subregional climate plans and projects and to the forging of an African common position on climate change.

29. The social and human development cluster consists of the African Union Commission as coordinator and UNFPA as co-coordinator, and ECA, NEPAD, the regional economic communities, FAO, IAEA, ILO, IOM, the Joint United Nations Programme on HIV/AIDS, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNIDO, the United Nations Development Fund for Women (UNIFEM), WFP, OHCHR, WHO and WIPO as members. It has six subclusters: health and HIV/AIDS, malaria, tuberculosis and other infectious diseases; education and human resources; gender and development; social welfare, protection and human trafficking; labour and employment; and sports and culture. The work of the cluster has been based largely on programmes established by the African Union Commission in such areas as HIV/AIDS, employment creation and human resources development, and social policy formulation. The cluster has established a joint workplan with clearly identified deliverables based on the priorities of the African Union Commission and NEPAD. It has provided support to several intergovernmental policy forums, including to the African Union conferences of ministers of health and of education, to the African Committee of Experts on the Rights and Welfare of the Child and to the meeting of the Africa Prosecutors Association. Other areas of support for regional programmes were information and communications technology and data development for monitoring gains being registered in the Declaration and Plan of Action towards Africa Fit for Children and the African Union integrated strategy in support of victims and survivors of violence against women. The cluster assisted the African Union Commission in developing its social policy framework, which is the basis for its programmes on social development. It helped to popularize such African Union initiatives as the youth volunteers programme, the campaign against human trafficking, the accelerated reduction of maternal mortality in Africa and universal access to services for HIV/AIDS, tuberculosis and malaria.

30. Achievements of the science and technology cluster under the ten-year capacity-building programme included monitoring the NEPAD science and technology action plan and helping to develop African Union-NEPAD Africa's Science and Technology Consolidated Plan of Action. The cluster has assisted with the formulation of science and technology policy; raised awareness on intellectual property rights; promoted science and engineering education and biotechnology; and supported actions aimed at arresting and reversing the "brain drain". UNESCO

serves as the coordinator of the cluster. The members are the African Union Commission, ECA, NEPAD, the regional economic communities, FAO, ILO, the Office of the Special Adviser on Africa, UNCTAD, UNDP, UNEP, UNIDO, the United Nations University-Maastricht Economic and Social Research and Training Centre on Innovation and Technology (UNU-MERIT), WHO and WIPO.

31. The Office of the Special Adviser on Africa coordinates the advocacy and communications cluster, with the Economic Commission for Africa as vice-coordinator. The members are the African Union Commission, NEPAD, the regional economic communities, the Department of Public Information, UN-Habitat, UNAIDS, UNHCR, UNESCO, UNDP, UNICEF, UNEP, UNFPA, UNIFEM, the World Bank and AfDB. Much of the work of the cluster is highlighted through the publication activities of the Department of Public Information and ECA, notably *Africa Renewal* by the Department of Public Information (see para. 21) and *NEPAD Briefs* and *NEPAD Today* by ECA, which are sent to thousands of readers and published on various websites. In addition, the cluster has contributed to meetings convened for media practitioners, civil society and private sector organizations, and policymakers, to raise awareness of or improve information and communications strategies for NEPAD programmes. The cluster has recently agreed on a common strategy to establish an information gathering and dissemination system to streamline and strengthen advocacy and communication activities in support of the African Union and its NEPAD programme. To ensure greater coordination and mainstreaming in the advocacy and communications strategies of all Regional Coordination Mechanism clusters and the entities of the United Nations system, it was decided that a communications focal point would be appointed in each of the Regional Coordination Mechanism clusters, the African Union Commission, the NEPAD Planning and Coordinating Agency and the regional economic communities to facilitate cooperation and synergies.

32. The United Nations Office of the African Union coordinates the peace and security cluster, and the African Union Commission serves as co-Coordinator. Members include NEPAD, the regional economic communities, ECA, FAO, ILO, IOM, the Peacebuilding Support Office, UNAIDS, UNEP, UNDP, the Office for the Coordination of Humanitarian Affairs, UNIFEM, OHCHR, UNHCR, WFP and WHO. It operates through the work of its three subclusters: peace and security architecture of the African Union; post-conflict reconstruction and development; and human rights, justice and reconciliation. The cluster carries out its work on the basis of its internally developed terms of reference, which include support for the operationalization of African Union peace and security structures; the provision of technical assistance to the work of the African Union Peace and Security Council; the gathering and dissemination of information on African Union peace and security activities; support to the African Standby Force of the African Union and the Panel of the Wise; the provision of technical, material and financial support for liaison between the Peace and Security Council and other organs of the African Union and with civil society; and assistance with the implementation of the African Union's post-conflict reconstruction and development policy, and with the landmines and small arms and light weapons initiative. Substantial support has been provided in the management of peacekeeping operations; the development of early warning systems and indicators; conflict-prevention initiatives; the build-up of mediation capacity; and the strengthening and deepening of democratic systems, especially through the conduct of free, fair and transparent elections in African countries. The

cluster has provided training through attachment programmes and the organization of workshops and seminars; has supplied technical assistance personnel; given material and financial assistance; and helped to develop and strengthen information and communications systems.

33. The industry, trade and market access cluster is coordinated by UNIDO, with ECA serving as vice-coordinator. The members are the African Union Commission, NEPAD, the regional economic communities, FAO, IAEA, ILO, the International Trade Centre UNCTAD/WTO (ITC), UNCTAD, UNDP, UNEP, UNESCO, WTO, WIPO, AfDB and the World Bank. The cluster has assisted the African Union Commission and NEPAD in harmonizing regional negotiation positions on trade matters in the context of the African, Caribbean and Pacific States-European Union economic partnership agreements and the Doha Round, especially on market access issues relating to Africa's agricultural commodities. It has also paid special attention to measures to assist African countries diversify away from commodity-dependencies, enhance competitiveness of their products and increase value-added. It has been actively supportive of the African quality infrastructure survey, the industrial upgrading and modernization programme, the regional trade programme for the East African community and the trade support programme for COMESA.

34. It can thus be seen that much has been done system-wide, through the Regional Coordination Mechanism and its clusters and subclusters, to support Africa and its regional and subregional institutions in their peace, security, governance and development efforts. Substantial financial and material resources have been committed; actions have been undertaken to strengthen institutional and human capacities; advocacy with the international community in support of Africa's programmes and priorities has been intensified; assistance has been provided for strengthening policy formulation; and efforts have been made to improve coordination of actions for greater impact and effectiveness. Other consultative mechanisms were established, which significantly contributed to efforts to enhance the strategic partnership between the United Nations and the African Union. On 25 September 2010, with the aim of furthering the strategic partnership between the Secretariat and the African Union Commission, the Chairperson of the African Union Commission, Jean Ping, and the Secretary-General launched the United Nations-African Union joint task force on peace and security. Subsequently, on 28 September 2010, the Under-Secretaries-General of the Departments of Political Affairs, Peacekeeping Operations and Field Support and the African Union Commissioner for Peace and Security held the first joint task force meeting in New York. They agreed to develop a plan of action and to meet twice a year to discuss the United Nations-African Union strategic partnership in the areas of conflict prevention and mediation, peacekeeping support and post-conflict reconstruction (see A/65/510-S/2010/514, para. 10).

35. The United Nations and the African Union have organized four consultative (desk-to-desk) meetings on the prevention and management of conflict, as follows: at Bahir Dar, Ethiopia, in September 2008; in New York, in February 2009; in Addis Ababa, in December 2009; and in Gaborone, in June 2010. In line with the recommendations in the report of the Secretary-General dated 18 September 2009 (A/64/359-S/2009/470, para. 16), participation in the desk-to-desk meetings has been broadened to include peacekeeping, human rights and humanitarian issues in the dialogue. Representatives from the Department of Peacekeeping Operations, the Department of Field Support, the Office of the Special Adviser on Africa, the Office

for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights and Office of the United Nations High Commissioner for Refugees also participated in the most recent desk-to-desk exchange. Representatives of the regional economic communities have also participated in those meetings, and the desk-to-desk meeting held in Botswana in June 2010 was co-hosted by the Southern African Development Community (SADC) (see A/65/510-S/2010/514, para. 11).

36. On 18 June 2010, following the recommendation contained in the report of the Secretary-General (A/64/762), the General Assembly adopted resolution 64/288, by which it established the United Nations Office to the African Union. The aim of the Office is to enhance the partnership between the United Nations and the African Union in the area of peace and security, provide coordinated and consistent advice from the United Nations to the African Union on both long-term capacity-building and short-term operational support and streamline the United Nations presence in Addis Ababa to make it more cost-effective and efficient in delivering United Nations assistance to the African Union (*ibid.*, para. 11). On 18 August 2010, the Secretary-General appointed Zachary Muburi-Muita as the Head of the Office. Three United Nations offices — the United Nations Liaison Office to the African Union, the African Union Peacekeeping Support Team and the United Nations Planning Team for AMISOM — have been integrated into the newly established Office, and their mandates and functions have been transferred to the new Office.

IV. Findings

37. The review found tremendous support for the ten-year capacity-building programme from all African Union Commission institutions, although they acknowledged that its full potential and benefits have yet to be achieved. One of the main difficulties is the divergence of views among the stakeholders as to what constitutes “capacity-building” in the context of the framework. The review found that there were several different interventions through which capacity could be enhanced. They included training, the upgrading of skills and staff development through formal short-, medium- or long-term courses. Enhanced managerial supervision or study visits were also effective ways of preparing staff for increasingly complex levels of performance on the job. There were other equally important ways of building capacity. Identifying non-staff constraints on productivity, such as deficient management practices, rules and regulations, and taking appropriate measures to correct them would impact very positively on institutional capacity.

38. Views were expressed that, in a number of areas where assistance has been provided to redress the problem, the initiative had had to contend with the added constraint of the absorptive capacity in the African Union institutions. However, progress made by the African Union Commission in the management of funds and accountability to donors illustrates the efforts being made to address those gaps. Staff of the Commission continued familiarization visits to United Nations offices which, coupled with training, would also help to enhance their capacity. The decision of the Department of Peacekeeping Operations to concentrate its capacity-building interventions on training — specifically, training the trainers of recipient institutions — constitutes a good example of addressing that problem.

39. At present, the existing elements of the ten-year capacity-building programme constitute only a framework in which the African Union Commission has laid down the parameters within which the United Nations system in Africa can direct its resources in a coordinated and focused manner towards helping the Commission and the regional economic communities to enhance their capacity. Since the signing of the declaration, a full-fledged programme has yet to be established in the form of a body of activities to be undertaken towards meeting the objectives of the ten-year capacity-building programme. In the absence of such a programme, it has not been easy to make targeted interventions in support of the development needs of the African Union institutions. Adopting a programme with targets would help to further strengthen the Commission's leadership vis-à-vis the implementation of the ten-year capacity-building programme. It was also found that there is a need to enhance engagement with the regional economic communities as part of the African Union building block strategy, especially in the area of development, including in the fields of energy, water and infrastructure, in addition to ongoing cooperation in the area of peace and security.

40. Coordination across clusters is rendered difficult by the way in which the cluster system is organized; it is critical to establish arrangements that would make the activities of the clusters more cohesive and harmonize their reporting into one coherent whole for submission to the Regional Coordination Mechanism. While the clusters have intensified efforts to establish business plans based on the African Union Commission strategic plan 2009-2012 and the NEPAD Planning and Coordination Agency's strategic direction 2010-2013, coordination among participating United Nations entities, as well as between the African Union Commission and the regional economic communities, still needs to be improved.

41. Although concerns were raised with regard to coordination among African Union Commission institutions, the appointment of an African Union Commission focal point in the context of the review of the ten-year capacity-building programme is a step in the right direction. Similar coordination arrangements could be extended to the work of the Regional Coordination Mechanism and its clusters, which could help to address resource constraints associated with travel and the resulting low level of attendance at the meetings of the clusters. In the same vein, to the extent possible, administrative support to the various clusters should be integrated and streamlined.

42. Information about the ten-year capacity-building programme was found to be generally very weak, particularly within the African Union institutions, thus reducing their chances of benefiting fully from the tremendous support being provided. Much more needs to be done, therefore, to popularize the programme among all concerned parties. For instance, at times, proposals from the African Union Commission seeking support are submitted after the workplans and budgets of the United Nations entities have been drawn up and approved, posing difficulties in responding in a timely manner to those proposals. The problem is not made easier by the fact that the relevant United Nations entities and African Union institutions have different programming and budgetary cycles.

V. Recommendations and observations

43. The declaration on enhancing United Nations-African Union cooperation was adopted at a time of enhanced African Union leadership in tackling crises in Africa. Since its adoption, the ten-year capacity-building programme has helped to enhance United Nations-African Union cooperation and strengthen the strategic partnership between the two organizations. It has also helped to improve interaction between the secretariats of the two organizations at different levels, in particular on long-term strategic and ongoing peace and security issues. There is general agreement within both the United Nations system and African regional and subregional institutions that the experience gained in the first three years of support activities to African Union institutions could serve as a good basis to enhance coherence and increase cost-effectiveness so as to achieve the full potential of the ten-year capacity-building programme.

44. I urge all stakeholders to continue coordination in delivering capacity-building support to the African Union in the various areas as identified in paragraphs 37 and 38 above. It is timely and appropriate that the next session of the Regional Coordination Mechanism envisages a thematic session on the ten-year capacity-building programme, which, coupled with the strengthening of the advocacy and communications cluster, would help to popularize the programme.

45. Resources were not approved for the implementation of the ten-year capacity-building programme. It is being implemented through the rationalization of already-stretched human and financial resources and structures of United Nations entities, in cooperation with African Union institutions. The absence of a well-defined programme of work for the ten-year capacity-building programme, compounded by the absence of resources, has adversely affected implementation efforts.

46. Addressing the lack of resources and the need for adequate implementation structures could significantly improve efforts aimed at attaining the objectives of the ten-year capacity-building programme. I call upon all partners and stakeholders, including Member States, to support the mobilization of necessary resources for United Nations entities involved in the implementation of the ten-year capacity-building programme, in particular, the secretariat of the Regional Coordination Mechanism. The availability of adequate resources would also permit the effective participation of regional economic communities in the Regional Coordination Mechanism.

47. To the extent possible, the programming and planning cycles of the African Union Commission, including its 2009-2013 strategic plan, and those of the regional economic communities should be coordinated with those of the United Nations system through the cluster and subcluster activities so as to enable United Nations entities to identify, incorporate and implement activities in line with their annual programme implementation plans. Such a work programme for building the capacity of the African Union Commission and the regional economic communities should be developed from the framework of the ten-year capacity-building programme with clearly defined activities, expected outcomes, timelines, monitoring and evaluation frameworks and specification of the resources required for its implementation.

48. The NEPAD Capacity Development Strategic Framework, which was endorsed by the Assembly of the African Union at its fourteenth ordinary session, and the fact that the NEPAD Planning and Coordination Agency is now fully integrated into

African Union structures and processes, should be taken into consideration by the United Nations system in supporting the African Union Commission. Within the framework of the Regional Coordination Mechanism, the Economic Commission for Africa in coordination with the United Nations Office of the African Union should continue to take the lead in working with African Union institutions on the implementation of the ten-year capacity-building programme, especially on efforts to establish a programme as identified by the present review.

49. The United Nations-African Union partnership, built on a shared vision and on comparative advantages, is critical to the two organizations' common efforts to achieve lasting peace and prosperity for Africa. The success of the ten-year capacity-building programme will depend largely on the leadership and ownership of the African Union Commission and how effectively the United Nations system delivers its mandated regional support tasks in line with the priorities of the Commission. Against this background, partners should be encouraged to coordinate their programmes to avoid duplication of effort, which tends to be counterproductive. The designation of the Department of Economic Affairs of the African Union Commission to serve as focal point for the review exercise could be instrumental in mobilizing support for the ten-year capacity-building programme and further enhancing the Commission's leadership and ownership. The practice of United Nations-African Union co-chairmanship adopted by the peace and security cluster should be extended to other clusters.

50. The annual meetings of the Regional Coordination Mechanism should be devoted to policy matters, receiving reports on and reviewing the work of its operational instruments — the clusters and subclusters — and providing them with overall guidance and direction. In this context, I welcome the recently adopted practice of devoting a session at each meeting to a theme of relevance to African Union institutions.

51. As I indicated in my report on the causes of conflict in Africa (A/65/152-S/2010/526), the activities of the ten-year capacity-building programme should gradually be expanded beyond its initial focus on peace and security issues. Durable peace and sustainable development in Africa can only be achieved if, in our support for African Union institutions, we adopt a comprehensive approach that integrates peace and security and economic, social and humanitarian activities. It was in this spirit that I called for the strengthening of the New York-based Inter-Agency/Departmental Task Force on African Affairs.

52. On the next triennial review of the activities for implementation of the ten-year capacity-building programme, I intend to present a report to the General Assembly and the Security Council in 2013.

53. Since the adoption of the ten-year capacity-building programme in 2006, United Nations-African Union cooperation has seen an unprecedented increase in interaction in various areas of common interest, particularly in the field of peace and security and development. As we acknowledge that a lot has been achieved in the relationship of the two organizations, which is consistent with Chapter VIII of the Charter of the United Nations, we should build on the gains so far obtained in order to continue facing the common challenges of helping Africa enjoy lasting peace and stability. I wish to take this opportunity to thank all men and women in the service of United Nations departments, agencies, programmes and funds for their tireless dedication to supporting Africa, the African Union and its institutions in overcoming

those challenges. I also wish to express my gratitude to the African Union Commission, under the leadership of Chairperson Jean Ping, for sparing no effort in promoting cooperation to achieve the goal of a peaceful, stable and prosperous Africa.

**Security Council**

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**Report of the Secretary-General on children and armed conflict
in Afghanistan***Summary*

The present report, which has been prepared pursuant to Security Council resolution 1612 (2005), is presented to the Council and its Working Group on Children and Armed Conflict as the second country report on the situation of children and armed conflict in Afghanistan. The report covers the period from 1 September 2008 to 30 August 2010.

The report focuses on grave violations committed against children, with an emphasis on recruitment and use of children, killing and maiming of children, and attacks on schools. It identifies parties to the conflict, both State and non-State actors, who are responsible for such violations. In particular, the report highlights how children have been used by anti-government elements, including for suicide bombing or for planting explosives, or recruited by the Afghan National Security Forces, despite the official government policy. It also sheds light on the detention of children for alleged association with armed groups by Afghan authorities, as well as international forces present in Afghanistan. In addition, there continue to be serious concerns about the increasing number of attacks on schools and on students that jeopardize the right of Afghan children to safely access education. The report also shows that children continue to be killed or maimed in suicide attacks or during engagements by Afghan and international forces. Finally, the report underlines the need for greater attention to the issue of sexual violence committed by armed parties to the conflict against boys and girls.

The report acknowledges that progress has been made since the last reporting period, especially in terms of dialogue with the Government of Afghanistan on the protection of children. In this context, it welcomes the commitment of the Government to signing an Action Plan against recruitment and use of children in the Afghan National Security Forces, with annexes on sexual violence against children and the killing and maiming of children in contravention of international law.

Finally, the report outlines a series of recommendations to all parties to the conflict and other stakeholders in Afghanistan. The recommendations aim at ending grave violations against children and at enhancing the overall protection of children in the context of the armed conflict in Afghanistan.



I. Introduction

1. The present report, which has been prepared pursuant to Security Council resolutions 1612 (2005) and 1882 (2009), is the second country report on the situation of children and armed conflict in Afghanistan. It covers a period of two years, ~~from 1 September 2008 to 30 August 2010.~~

2. The report identifies parties to the conflict, both State and non-State actors, responsible for grave violations and abuses committed against children in the context of the armed conflict in Afghanistan. It highlights trends of violations committed against children, and identifies areas for reinforced monitoring, as well as for development of interventions to prevent violations and respond to the needs of victims. The report includes specific recommendations to national and international actors to strengthen the protection of war-affected children in Afghanistan.

II. Political, military and social developments in Afghanistan

A. Background on latest developments relating to the conflict

3. The reporting period was marked by increased military activity and a continued deterioration in security, which heightened children's vulnerability to conflict-related violations. The year 2010 was the most volatile year in security terms since the fall of the Taliban in 2001. According to the United Nations, the number of security incidents was 40 per cent higher in January 2010 compared to January 2009, and 93 per cent higher in June 2010 compared to 2009. This was due in part to the continued attacks by the Taliban-led insurgency, their expansion into previously stable areas, such as northern and western Afghanistan, as well as increased counter-insurgency operations by Afghan National Security Forces and international military forces. Incursions of foreign fighters and the deteriorating security situation along the border area with Pakistan also contributed to increased insecurity.

4. Civilians, including children, continued to be victims of the conflict. The United Nations Assistance Mission in Afghanistan (UNAMA) 2010 mid-year report on the protection of civilians in Afghanistan highlighted the rising human cost of the armed conflict. As compared to 2,118 civilian casualties recorded in 2008 and 2,412 in 2009, the 2010 mid-year report documented 3,268 conflict-related civilian casualties between 1 January and 30 June 2010, a 31 per cent increase over the same period in 2009. In 2010, women and children made up a greater proportion of those killed and injured than in 2009, with child casualties increased by 55 per cent from the same period in 2009. Three quarters of all civilian casualties were linked to armed opposition groups, an increase of 53 per cent from 2009. On the other hand, civilian casualties attributable to pro-government forces decreased by 30 per cent compared to the first half of 2009. Civilian assassinations and executions by anti-government elements, and their use of a greater number of larger and more sophisticated improvised explosive devices throughout the country have increased harm to civilians.

5. The Taliban and other armed groups such as the Haqqani network and Hezb-i-Islami, increasingly resorted to asymmetric tactics, and "complex attacks",

including the use of combined improvised explosive devices and suicide attacks, as well as rocket and mortar attacks, which continued to rise in number and intensity. Incidents were focused primarily in the south, south-east, east and central regions. Previously stable regions such as the west and north-east regions have also seen increased numbers of security incidents. According to UNAMA, incidents involving improvised explosive devices increased by 56.8 per cent in 2009 compared to 2008, and by 94 per cent during the first quarter of 2010 compared to the same period in 2009. In the first half of 2010, there was a 155 per cent increase in child deaths through improvised explosive devices and suicide attacks attributable to armed opposition groups as compared to the same period in 2009.

6. Combined operations by international and national pro-government forces included a major push into central Helmand province in February 2010 by 15,000 troops from the Afghan National Army and the International Security Assistance Force (ISAF). During the initial weeks of this operation, approximately 28,000 people were displaced. The area remained intensely contested throughout the summer of 2010. Those who remained were subjected to a high level of assassinations and improvised explosive device attacks by anti-government elements, or caught in crossfire between pro-government forces and anti-government elements. It was not until September 2010 that the displaced began to return in large numbers. Major combat operations in the districts surrounding Kandahar City began in July 2010. Although they also caused displacement and property damage, the number of civilian casualties was far fewer than during the operation in central Helmand. Insecurity and access restrictions hampered efforts to monitor the impact of these operations on children.

7. The London Conference, held in January 2010, identified steps towards greater Afghan leadership in areas ranging from security to economic development, and from governance to regional cooperation. At the Conference, President Karzai outlined a peace and reintegration programme aimed at promoting peace through dialogue. The programme included the creation of a national peace council to oversee the reintegration of armed opposition fighters, and the establishment of a peace and reintegration trust fund to provide employment and financial incentives for those who renounced violence. However, within this programme, no specific reference is made, nor resources or responsibilities allocated for the particular needs of children directly affected by armed conflict, including sustainable reintegration of children associated with armed groups.

8. The Law on Public Amnesty and National Stability, gazetted in November 2008 but publicized only in January 2010, offers possible amnesty to perpetrators of past serious crimes, including grave human rights abuses, if they commit not to resume anti-government activities. Human rights and child protection actors expressed concerns that the law could be used to grant immunity for serious crimes under international law, including those perpetrated against children.

9. In April 2010, Afghanistan ratified the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) of the International Labour Organisation. The Rome Statute was ratified in 2003; however, it has yet to be incorporated into domestic legislation. The minimum age of recruitment into the Afghan National Security Forces is 18 years.

B. Armed forces and groups operating in Afghanistan

Afghan National Security Forces

10. Within the security sector reform framework, Afghan agencies responsible for national security have merged into the Afghan National Security Forces that now include the Afghan National Army, the Afghan National Police, the National Directorate of Security and the Afghan Public Protection Force. In January 2010, the Joint Coordination and Monitoring Board, co-chaired by the Government of Afghanistan and the United Nations, decided to increase the total strength of the Afghan National Army from 100,130 personnel to 134,000 by October 2010 and 171,600 by October 2011. It was also decided that the number of Afghan National Police would increase from 94,810 to 109,000 by October 2010 and 134,000 by October 2011. This has led to major recruitment campaigns in a country where birth registration is low, a factor that increases the risk of age falsification in national identity documents and subsequent recruitment of children. The Afghan National Police was listed in my ninth report on children in armed conflict for the recruitment and use of children.

11. The Government and its international partners have supported the building of rural community level self-defence forces through the Afghan Local Police programme and other community defence initiatives. The lack of birth registration and reliable national identification documents in these areas, coupled with the fact that the process is community-based, raise concerns in terms of potential association of children with this force. This requires close monitoring.

Armed opposition groups and other illegal armed groups

12. As of March 2010, an estimated 25,000 to 36,000 Taliban fighters were reportedly active in Afghanistan. Other armed opposition groups that have been active in the reporting period include the Haqqani network, the Hezb-i-Islami (Hekmatyar), the Jamat Sunat al-Dawa Salafia, and the Tora Bora Front. All these groups were listed in my ninth report on children and armed conflict for recruitment and use of children.

International military forces

13. In accordance with relevant Security Council resolutions, the primary role of ISAF is to assist the Government of Afghanistan in the establishment of security and stability in the country, and to conduct operations throughout the country with the Afghan National Security Forces. ISAF is also directly involved in the development of the Afghan National Security Forces through mentoring, training and equipping. In September 2008, ISAF was composed of approximately 47,699 troops from 40 contributing countries; by mid-November 2010, ISAF was composed of approximately 130,930 troops from 48 contributing countries. As of September 2010, there continued to be an estimated 20,000 troops deployed within Operation Enduring Freedom, led by the United States of America.

III. Grave violations and abuses of children's rights

14. Information collected through the Country Task Force for Monitoring and Reporting during the reporting period demonstrates that grave violations against children have increased. Given the deterioration in security and the resulting access constraints, not all incidents come to the attention of child protection actors, nor can they all be independently investigated. Therefore, available data is likely to underrepresent the actual impact of the conflict on children, and the extent to which grave violations are committed against children. The establishment of six regional task forces throughout the country during the reporting period has increased capacity to monitor, report, and verify incidents.

A. Recruitment and use of children by armed forces and armed groups

15. The recruitment and use of children by parties to the conflict was observed throughout the country during the two-year reporting period. While many cases reported by the media and other sources could not be confirmed owing to access and security considerations, the Country Task Force for Monitoring and Reporting verified 26 out of 47 reported incidents that provide evidence that children were recruited by armed groups as well as by Afghan National Security Forces, including the Afghan National Police.

16. Cases of children who carried out suicide attacks or who were used to plant explosives, at times unknowingly, were reported. These incidents often led to the deaths of the children involved. For example, in April 2009, an improvised explosive device placed in a wheelbarrow transported by a young boy prematurely detonated 15 metres from the Governor's office in Samangan province, killing the boy. Subsequent investigations indicated that the improvised explosive device had been planted without the knowledge of the boy. In a few documented cases, children were used to carry out suicide attacks. In April 2009, in Laghman province, a 16-year-old boy from Paktya province allegedly carried out a suicide attack against the mayor of Mehtarlam city, which reportedly killed six civilians.

17. Reports of the recruitment and use of children by armed opposition groups were further confirmed through interviews with children in custody under national security charges. This confirmed allegations that children had been lured into carrying explosives or trained in conducting suicide attacks by the Taliban against national and international security forces or government officials. Two boys reported that they had been kidnapped from Afghanistan in 2009 and taken to Pakistan, where they reportedly underwent military training. In December 2009, in the western region, a teenager allegedly associated with an armed group led by local warlord Ghulam Yahya, was identified in the Juvenile Rehabilitation Centre. The boy had been arrested in October 2009 and, according to the Prosecutor's office, was in possession of written instructions on how to prepare improvised explosive devices. The teenager was sentenced to four years' imprisonment. At the time of reporting, the boy's case was at the Appeal Court and being followed by UNAMA human rights officers.

18. Seven cases of children recruited from across the border in Pakistan and subsequently used to conduct military operations in Afghanistan were confirmed.

This is illustrated by the case of an 11-year-old Pakistani boy arrested early in 2009 in Nangarhar province in possession of explosives and suspected by the Afghan border police of planning a suicide attack. The child was transferred to a National Directorate of Security facility in Kabul for one month before the National Directorate of Security dropped the charges against the boy as he was below the minimum age of criminal responsibility.

19. The policy of the Government is not to recruit children under 18 years of age, and there are some measures in place to verify the minimum age of recruits at the provincial and training camp levels. However, interviews with victims, government officials and other sources confirmed that children were still recruited and used by Afghan National Security Forces during the reporting period. It is of concern that local level Afghan National Police offices also confirmed that recruitment campaigns have taken place in school compounds. Insufficient age-verification procedures, extremely low levels of birth registration in the country, opportunities to manipulate age in the national identity document, and the drive to increase troop levels within the Afghan National Army and the Afghan National Police have led to under-age recruitment.

20. In October 2009 in Kandahar province, a 16-year-old boy who was at the time officially employed as a police driver in a district police station, was arrested, after being in a road accident while driving a police car. He was sentenced to seven months' imprisonment in the Juvenile Rehabilitation Centre for his role in the accident. In July 2010, it was confirmed that he had been re-recruited into the same district police force following his release from detention. His release was reportedly obtained on intervention from the district Police Commander. The boy stated that he continued to receive a police salary while he was detained in the Juvenile Rehabilitation Centre.

21. In April 2010, in Kandahar province, a young boy about 12 years old was identified as working with the Afghan National Police. The boy was armed and in police uniform. He stated that he had been searching vehicles for the police for four months, and that he received 9,000 Afghanis (approximately \$200) per month. Follow-up on this child was not possible due to security constraints.

22. In July 2010, in Ghazni province, a 15-year-old boy was identified as having been recruited into the Afghan National Police. The child reported that a false identification had been created for him by a police officer, and that he had subsequently been issued with a police uniform, and engaged in conflict with armed opposition groups. The boy was working at a checkpoint and reported that he had observed other children at other checkpoints in the area. This child was threatened by armed opposition groups to leave his job, was then arrested by the National Directorate of Security, who charged him with money forgery, and was sentenced to three and half years' detention by the primary court. The boy reported abuse by the National Directorate of Security.

23. In April 2010, it was reported that a district police department in Badakhshan province had previously announced a recruitment campaign for girls into the police force. Police officials confirmed to the Country Task Force for Monitoring and Reporting that girls and boys who were literate and over the age of 16 would be accepted into police training courses. The case was brought to the attention of the Task Force by a letter issued by community members concerned about alleged

sexual abuse of these girls by police officials. The case was taken up with the Ministry of Interior for follow-up and intervention.

24. In addition, there were consistent reports of children associated with Afghan National Police units at checkpoints and police stations, in such functions as messengers and tea boys. In April 2010, Task Force members confirmed the use and association of at least three children under the age of 18 in the Daikundi provincial police department. These boys were being used to clean, cook and carry water. The Police Commander confirmed that he employed "orphans" to provide them with an income and care. The Commander also confirmed that formal recruitment takes place for children under 18 years of age if they are able to procure a national identity document which states that they are over 18.

Detention of children for alleged association with armed groups

25. Information was collected countrywide on some 382 children detained on charges related to national security. Data was not available for all months of the reporting period and access to detention facilities remained difficult. Ninety-seven cases were confirmed as relating to the conflict; all were aged between 9 and 17 and included one girl.

26. Children continued to be detained in international military forces detention facilities in contravention of international law. There is concern that such detainees are not treated in line with international standards for juvenile justice. No special protection measures are provided for such juveniles in detention except the requirement that they be accompanied by a representative, not necessarily a lawyer, at their Detainee Review Board hearings. For example, in July 2010, in Khost province, a 16-year-old boy was arrested and detained at the Parwan detention facility by ISAF on allegation of being a member of the Taliban. He was arrested at his home, along with his brother and father, the latter reportedly being the target of the raid. At the time of reporting, the boy had been in detention for at least two months. The boy reported that he was separated from his father and brother in detention, and that he had no other contact with his family. Despite a Detainee Review Board hearing on 29 September 2010, the boy remained in international military forces detention at the time of reporting. In February 2010, a 16-year-old boy from Nangarhar province was arrested in Jalalabad city on allegation of being a member of the Taliban. While in international military forces detention, the boy was allowed contact with his family. At the time of reporting, the boy's last Detainee Review Board hearing had been held in March 2010, but he remains in international military forces detention.

27. The National Directorate of Security also detains children allegedly associated with parties to the conflict. Between October 2009 and January 2010, in Helmand province, eight boys aged 15 and 17 were charged with having links to the Taliban and transferred from the National Directorate of Security to the Helmand Juvenile Rehabilitation Centre. Three of the boys were found guilty, and sentenced to three years' imprisonment. During the same period, four other boys were charged broadly with crimes against national security in Helmand province. Two of these boys were found guilty and sentenced to three years' imprisonment.

28. It is also of particular concern that children who are released from detention have little follow-up support. An illustration is the case of two boys, Pakistani nationals, aged 10 and 15 years old who were detained by the Ministry of Interior

between May and July 2009. While the willingness of the Ministry to share information on their cases is welcomed, the direct hand-over of these two boys, without appropriate monitoring, to their families raises concerns as to follow-up support once they are back in their communities. This is evidenced by the case of a boy who was reportedly kidnapped by the Taliban in Pakistan, reportedly trained to conduct suicide attacks in the Federally Administered Tribal Areas of Pakistan, and pressured into attempting a suicide attack in Afghanistan. After having been given a suicide vest, the boy surrendered to the border checkpoint of Nangarhar province in Afghanistan, and was transferred to Kabul, where he was detained by the Ministry of Interior for an unknown period.

29. The Country Task Force for Monitoring and Reporting supported advocacy for the return to Afghanistan of Mohammad Jawad in August 2009 after he was detained for more than six years at the United States detention facility at Guantanamo Bay. He was arrested as a child by Afghan security forces in 2002, detained at the Bagram detention facility and later transferred to Guantanamo. Appropriate support has yet to be granted by State institutions for sustainable reintegration. In August 2010 it came to the attention of the Country Task Force for Monitoring and Reporting that since his return to Afghanistan, he has been arrested three times by the National Directorate of Security and held in their custody, allegedly for links with ex-prisoners from Guantanamo Bay suspected of still belonging to armed opposition groups in Afghanistan.

B. Killing and maiming of children

30. During the reporting period, 1,795 children were injured or killed because of conflict-related violence although the figures are assumed to be underreported as access to conflict-affected areas remained difficult. Children continued to be casualties of suicide attacks, improvised explosive devices and rocket attacks by armed groups, including the Taliban. Children have also been victims of air strikes and night searches by pro-government forces. In addition, 568 children were injured or killed as a result of landmines and other explosive remnants of war during the reporting period.

31. A greater proportion of civilian deaths and injuries, including children is attributable to anti-government elements. In many cases, children were killed or injured when armed opposition groups, including the Taliban, targeted provincial civilian infrastructure such as district administrative centres or checkpoints situated near residential areas. Suicide attacks by armed groups have also resulted in the death and injury of children. For example, in August 2009, a person wearing a suicide vest detonated in Kandahar city reportedly killed 10 children and injured 7. However, it should be noted that the revised May 2010 Taliban Code of Conduct for Taliban fighters includes various guidelines on limiting the impact of the conflict on the civilian population, including limiting the use of suicide attacks.

32. Of grave concern is the killing of children by armed opposition groups, including the Taliban, on the suspicion that they were spies, or for being allegedly associated with or supporting international military forces. At least nine cases were reported of children executed on suspicion of spying for the international military forces, including the public hanging by the Taliban of a seven-year-old boy reported in Helmand province in June 2010. In February 2009, two young school students

were executed by armed opposition groups, while a third child was critically injured in Wardak province. They were suspected of spying for the international military forces because they had been seen speaking in English with international soldiers patrolling the area. In December 2009, a 16-year-old rickshaw driver in Laghman province was killed on suspicion of providing reports to the international military forces about the location of improvised explosive devices on the way to an international military base. Children have also been killed when armed opposition groups have targeted parents because of their association with the Government. In December 2009, a 16-year-old boy was killed alongside his father, a mullah, in Kunar province.

33. Children were also killed and injured as a result of air strikes and ground attacks by pro-government forces, particularly as a result of imprecise targeting or on the basis of misinformation. A total of 131 children were reportedly killed in 2009 as a result of air strikes, accounting for a large percentage of the child casualties by pro-government forces. The majority of them were recorded in the south, although major incidents occurred in other parts of the country. In February 2009, as a result of inaccurate information and lack of coordination between international military forces and Afghan National Security Forces during an air strike on Guzara district, Herat province, two bombs impacted on a Kuchi-nomad camp, killing 11 children. This was later confirmed by an ISAF investigation. On 4 May 2009, an air strike on a residential compound in the Bala Baluk district of Farah province claimed the lives of 64 women and children. On 3 September 2009, as a result of the hijacking of two fuel tankers by the Taliban in Kunduz province, an air strike was conducted, resulting in some 74 civilian deaths, including at least 41 children.

34. Efforts have been undertaken by the Government and the international military forces to minimize civilian casualties. A new ISAF command structure since September 2008, along with a counter-insurgency strategy that places more emphasis on protecting the civilian population, as well as guidelines and tactical directives to lessen the impact of the conflict on civilians, have contributed to a decrease in the number of civilian deaths attributable to the Government and international military forces. The tactical directives were further modified in July 2009 to provide guidance on the use of aerial attacks against residential compounds.

35. Despite such efforts, on 31 January 2010, in Uruzgan province, a five-month-old baby boy was killed during a raid by United States Special Forces. On 12 February 2010, a night raid conducted by international military forces and Afghan forces on a residential house in Gardez city, Paktya province, led to the death of five family members and injury to another four civilians, including a 15-year-old boy. In February and March 2010, at least 21 children were killed and four injured as a result of air strikes and mortar fire during a joint military operation in Marjah district, Helmand province. On 14 February 2010, 12 civilians, including 2 children, were killed by two international military forces rockets launched in Marjah town. According to an ISAF press statement, the rocket impacted approximately 300 metres off its intended target. Following this incident, international military forces suspended the use of the artillery rocket system, pending a review of the incident. On the same day, 12 members of one family, including children and women, were killed by an international military forces mortar round, which landed on their residence in Marjah city, Helmand province.

C. Sexual violence against children

36. Sexual violence continues to be vastly underreported and concealed in Afghan society. Sexual violence, including that against children, is pervasive. The general climate of impunity, a vacuum in the rule of law, lack of faith in investigating and prosecuting authorities, and misplaced shame have adversely affected the reporting of sexual violence and abuse against children to law enforcement authorities and subsequent prosecution of perpetrators. Child sexual abuse, against both girls and boys, is not clearly defined as a crime in Afghan law, and perpetrators of such violations are rarely held accountable.

37. The Penal Code (1976), article 427, criminalizes adultery and pederasty. The Law on the Elimination of Violence against Women (2009) criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution, and significantly enhances protection and the promotion of women's rights. However, implementation of the law remains a huge challenge, as does for example, the need to define what constitutes an act of rape.

38. Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of *baccha baazi* (dancing boys). Such incidents and their context were difficult to document, and further efforts will be made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights. In September 2009, an Afghan National Army soldier was arrested and accused of raping a 15-year-old boy in Kabul city. On 6 November 2009, a 16-year-old boy was reportedly raped by border police at the Islam Qala border in Herat province.

39. Insufficient protection for victims of sexual violence and witnesses to such incidents remains a concern. Fear of violent retaliation against victims and families was cited as a factor for underreporting. Child victims, both boys and girls, are often arrested and charged with intention to commit *zina* (sexual intercourse outside of marriage). There is also a lack of appropriate referral pathways for victims, including children, to receive services and care. Moreover, there is little awareness that rape and sexual violence are criminal offences.

D. Abduction

40. A total of 77 cases of abducted children, both boys and girls, were reported to the Country Task Force for Monitoring and Reporting during the reporting period. In several incidents more than one child was abducted. Information on the perpetrators and their motives was difficult to obtain; however, in the context of the prevailing security vacuum, criminality appeared the primary motive behind the majority of cases which in some instances are linked to the conflict. Several reports indicated the demand for large amounts of ransom, and several cases also involved sexual abuse against girls and boys.

41. Incidents indicate that armed groups abducted children for a variety of reasons, including retaliation, recruitment, ransom, and to pressure an exchange or release of certain individuals detained by the authorities. On 21 May 2009, in Faryab province, it was reported that the Taliban abducted a community elder and his 14-year-old son and demanded in exchange the release of one individual who had been previously arrested by government officials on charges against national security. The boy was allegedly released within a week. On 13 September 2009, in Khost province, it was reported that a 15-year-old boy was abducted by the Taliban from a mosque, accused of spying for the Government and international military forces, and later killed. On 27 October 2009, in Haska Meena district, Nangarhar province, near the Pakistani border, unidentified armed men reportedly abducted 13 boys aged between 8 and 13 years while they were collecting firewood. The boys escaped during an aerial bombardment. On 24 November 2009, the beheaded body of the 16-year-old son of a National Directorate of Security officer was found, one month after he had reportedly been abducted by the Taliban in Logar province.

E. Attacks on schools and hospitals

42. Incidents affecting education and educational facilities also increased since the last report. While 610 were recorded in 2009, 348 incidents were reported in 2008. Between January and August 2010, 285 incidents were reported to the country task force. Incidents included damage to schools, killing and injury of students and education personnel, threats and intimidations, and forced school closures. These incidents were perpetrated for the most part by armed opposition groups, including confirmed attacks by the Taliban, but also by communal and traditional elements opposed to girls' education. The southern region suffered the majority of attacks, while attacks spread to northern provinces previously considered as relatively safe, such as Takhar and Badakhshan. In 2009, there was a notable increase in attacks in areas around the capital, such as Kabul, Wardak, Logar and Khost provinces, and in the eastern provinces of Laghman, Kunar and Nangarhar.

43. The reporting period saw a significant increase in the number of explosives in schools and their vicinity, armed attacks against schools, collateral damage, schools affected by military operations, and schools used for political and military purposes. Information also indicated that an alarming number of schools were closed in certain areas, such as in Helmand province (more than 70 per cent) or in Zabul province (more than 80 per cent) for security reasons and ongoing military operations. Between May and July 2009, 14 incidents affecting education were reported in Logar province alone, including the burning of schools and during cross-firing, direct armed attacks, explosions in the vicinity of schools, and threats against teachers, school principals, and students in addition to the attack and abduction of teachers. On 6 July 2010, in Nangarhar province, a Provincial Reconstruction Team-constructed school was attacked by the Taliban, who detonated an improvised explosive device inside the school. Sixteen school rooms suffered damage. The district education officer arranged a gathering of community elders, members of protection shuras of six other nearby schools, students and their parents in order to encourage children to continue to attend school. On 14 July 2010, in Uruzgan province, the Taliban attacked and beat 15 students of a teacher training institute. The students were warned not to attend the institute; it is reported that the students

have obeyed these threats. On 4 August 2010, in Parwan province, a girls' school was closed for two days as a result of threats allegedly from the Taliban.

44. The stationing of security forces near education facilities has also led to schools being affected by collateral damage and deaths and injuries of students and teachers. For example, on 4 May 2009, in Zurmat district, Paktya province, international military forces and Afghan National Army took up positions near two schools, which resulted in the temporary closure of the schools. Also, on 27 June 2009, in Wata Pur district, Kunar province, mortars were fired by an armed group towards international forces and an Afghan National Army troop compound. Three projectiles missed their target and impacted on a boys' school resulting in two children being injured.

45. Concern remains about the occupation of schools by parties to the conflict. Such occupation put children and education personnel at risk, deny children the right to education and often result in damage to school buildings. Community leaders have expressed these concerns to the Country Task Force for Monitoring and Reporting, which raised them with ISAF/NATO, with no change at the time of reporting. For example, in Logar province, a high school for 1,500 students has been occupied since 2005 by the Afghan National Police and subsequently by the international military forces since 2007. At the time of reporting, the school remained occupied. Students and teachers are body searched on a daily basis as they enter the school. Community leaders report that approximately 450 students have chosen to leave this school. A boys' school in Kharwar district, also in Logar province, has been occupied by the international military forces since 2007. Between April and May 2010, two schools in the central region (in Logar and Maidan Wardak provinces) were temporarily used by IMF as a mobile clinic and an operating base. It was confirmed that on 21 April 2010 Taliban forces attacked the school in Logar province owing to the international military presence.

46. There was also an increase in the number of incidents of killing and injury, abduction and threats against students and teachers by armed opposition groups during the reporting period. For example, on 12 November 2008, in Mirwais Mena district, Kandahar province, several girls on their way to school were attacked by the Taliban with acid, causing serious injury. It was reported that the attackers had received a cash incentive to carry out the attack.

47. Health facilities also continued to bear the consequences of the armed conflict and the deterioration in security during the reporting period. Attacks on both health facilities and personnel increased significantly in 2009 to over 120 incidents reported to the Country Task Force for Monitoring and Reporting, as compared to 30 in 2008. In the first eight months of 2010, 43 incidents affecting health facilities and staff were verified out of the 60 reports received by the Task Force. Notable increases were seen in parts of the south-eastern, central, northern and western regions. Of particular concern is the situation in Kandahar, Nimroz, Kunar, Khost, Helmand, Wardak, Nangarhar and Kunduz provinces. The deteriorating security situation and continued attacks on health workers and facilities have forced many health facilities to close or scale down services, resulting in no or limited access for hundreds of thousands of Afghans to basic health care. Most incidents were attributed to armed groups, including confirmation of incidents perpetrated by the Taliban.

48. Ten incidents of direct armed attack against a health facility were reported during 2009. On 17 November 2009, in Khaki Safed district, Farah province, a group of armed Taliban raided an NGO-sponsored health facility, physically assaulted several health workers and abducted a local health-care worker. The Taliban warned the community not to use the health centre in the future and threatened staff who continued to work in the clinic. Burning, looting and forced closure of health centres and programmes, as well as the use of explosives in and around health facilities were also recorded. For example, on 5 January 2009, in Arghandab district, Kandahar province, the Taliban reportedly burned and destroyed a basic health centre which had previously provided health care to 20,000 families in the district. On 2 May 2009, in Khost city, Khost province, a health clinic was reportedly attacked by alleged Taliban elements, destroying four rooms of what was the largest clinic in the area.

49. Search operations conducted in and occupation of health facilities by ANSF and the international military forces were also of serious concern. Compromising the neutrality of health facilities disrupts the confidence of civilians who seek medical assistance while increasing direct risks to the facilities and undermining staff confidence to operate in a peaceful environment. Humanitarian organizations denounced national and international military forces regarding their conduct in health facilities in Badghis, Uruzgan and Wardak provinces.

50. Humanitarian actors advocated for limiting the use of schools and health facilities as polling stations during the August 2009 Presidential elections and the September 2010 Parliamentary elections. Almost 50 per cent (2,752 out of 5,989) of such polling stations were located in schools, increasing the risk of attacks during the election period. Although the exact correlations with the elections are not fully determined, in August 2009, there was a fivefold increase in reported incidents against schools compared to prior and subsequent months. Incidents included explosives placed inside or in the vicinity of schools and threats made against education officials if schools were used as polling centres. Local armed groups clearly stated that schools could not be used as polling centres as a precondition to their reopening. Similarly, attacks reported against health facilities also nearly doubled in August 2010 compared to the previous month.

F. Denial of humanitarian access

51. Humanitarian access continued to be seriously affected by widespread insecurity, which hindered the capability of aid agencies to assess needs, assist vulnerable populations and monitor provision of assistance. Large parts of the south, south-east, east, west, north-west and central regions of Afghanistan were assessed by the United Nations as "high risk" or "very high risk" areas for humanitarian agencies. Incidents of denial of humanitarian assistance have steadily increased during the past two years. Whereas in 2008 a total of 71 incidents were reported, incidents more than doubled in 2009 to 171 cases. In the first 8 months of 2010, 168 incidents were reported, of which the Task Force was able to verify 124 at the time of reporting.

52. The Taliban repeatedly issued public statements threatening anyone perceived as supporting the Government, including the United Nations. A new development in 2009 was the sharp rise in incidents affecting humanitarian actions in the northern

region (Kunduz, Balkh and Faryab provinces). The majority of incidents were attributable to armed opposition groups, and included complex attacks against compounds and vehicle/convoy ambushes and numerous threats to staff.

53. Violent incidents against local NGO staff and health workers also continued. Abductions remained the most common violation, with 49 humanitarian workers abducted by armed opposition groups, including the Taliban, in 2009. Incidents of abduction increased again in 2010, with 32 incidents targeting more than 80 humanitarian personnel. In July and August 2010 alone, 31 humanitarian personnel were abducted, the majority having been released within a week through interventions by tribal elders with the armed groups.

54. In addition to attacks and threats against humanitarian workers, programme delivery and aid provisions were themselves targeted by armed opposition groups, including the Taliban. In March 2009, 13 aid convoys (including one clearly marked as belonging to the United Nations) were attacked, looted or robbed by armed groups, some of whom might have been criminal groups. In August 2009, the border vaccination post in Narey district, Kunar province, which was used to provide vaccinations for children crossing the Afghanistan-Pakistan border, was reportedly burned by an armed opposition group suspected of being Taliban.

55. In May 2009, the humanitarian response to the aerial bombardment of Bala Baluk district, Farah province, was delayed owing to insecurity. Despite an International Committee of the Red Cross assessment and the mobilization by the United Nations of a relief convoy, local shuras were unable to guarantee safe passage for this aid, even after attempts to negotiate access with armed groups. An influx of foreign fighters associated with the Taliban was cited as the major obstacle to successful negotiations in this instance.

IV. Visit of the Special Representative for Children and Armed Conflict and the monitoring and reporting mechanism

56. My Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, visited Afghanistan from 20 to 26 February 2010 at the invitation of the Government of Afghanistan. The visit aimed at following up on the conclusions of the Security Council Working Group on children and armed conflict in Afghanistan of July 2009 (S/AC.51/2009/1). The Special Representative visited Kabul and met with President Karzai, key Ministers, ISAF, NATO, representatives of international and Afghan non-governmental organizations, members of the Country Task Force for Monitoring and Reporting, and a number of children and families affected by the conflict.

57. The Special Representative noted the political will expressed by the Government of Afghanistan to protect children and to heed the conclusions of the Security Council Working Group on children and armed conflict. She also noted the productive engagement of ISAF/United States Forces Joint Commander and with the NATO Senior Civilian Representative on protection of children in conflict through continued review of tactics and procedures, and post-incident investigations.

V. Dialogue and action plans to redress violations and abuses committed against children

58. In October 2009, the Government of Afghanistan appointed a high-level focal person in the Ministry of Foreign Affairs to act as the interface between the Government and the Country Task Force for Monitoring and Reporting on all issues relating to children affected by the armed conflict in Afghanistan. Additionally, a Government Steering Committee, consisting of eight Deputy Ministers, the Director of the National Directorate of Security and the Presidential Adviser on Health and Education was launched on 18 July 2010 with the objective to develop and implement an Action Plan to prevent recruitment and use of children in Afghan National Security Forces with the support of the Country Task Force for Monitoring and Reporting. On 30 November 2010, the Steering Committee approved the Action Plan, and its annexes on the prevention of sexual violence against children and the killing and maiming of children in contravention of international law. The Action Plan is scheduled to be signed on 30 January 2011.

59. An encouraging development was the issue of an executive order by the Ministry of Interior on 24 April 2010 for the prevention of recruitment of children into the Afghan National Police. This prohibits children from being recruited or used within the Afghan National Police, requires children found within the Afghan National Police to be separated in 30 days, provides that efforts be made for reintegration, and orders investigations and disciplinary action against those found to be recruiting or using children. UNAMA made its first unannounced verification visit to the Afghan National Police recruitment and training centre in Kunduz city, Kunduz province, in May 2010, noting that the executive order was clearly posted on the walls of the centre, and that the content of the decree was well known to both trainers and new recruits. The Ministry of Interior has pledged to issue a list of children who have been separated from the Afghan National Police since the decree was issued, and details on what provisions were made for the reintegration of these children.

60. The current security situation in Afghanistan has impeded the initiation of dialogue with armed opposition groups on the recruitment of children into their ranks. While no Action Plan to stop the use and recruitment of children and other violations is currently in discussion with armed groups, dialogue at the community level has proven partially successful, in particular for the continuation of vaccination campaigns, the reopening of schools, and the safe passage of humanitarian delivery in some areas.

VI. Follow-up and programmatic response to violations and abuses committed against children

61. A number of initiatives took place to address the violations and abuses committed against children affected by conflict in Afghanistan including: legal aid for children, including for children supported by the United Nations Children's Fund (UNICEF) detained on charges of alleged association with armed groups; negotiation by relevant organizations with the Government, armed opposition groups and community elders to facilitate health-care access and delivery, negotiation towards community-based protection of schools, and support to school

infrastructure rehabilitation; and negotiation and release of abducted health-care workers.

62. In addition, relevant actors including Country Task Force for Monitoring and Reporting members, UNAMA, the World Health Organization, UNICEF and the Office for the Coordination of Humanitarian Affairs, engaged with national and international security forces on military occupations and interventions in health and educational facilities, and UNAMA advocated for the continued development of policies to reduce civilian casualties of conflict.

63. Briefings on the monitoring and reporting mechanism on children and armed conflict were conducted for NGO partners and relevant government departments, in the northern, eastern, south-eastern, central, western and southern regions of the country by Country Task Force for Monitoring and Reporting members. Twenty-seven NGO partners and representatives of the Country Task Force for Monitoring and Reporting took part in a three-day roll-out of the standardized global monitoring and reporting mechanism training toolkit in August 2010.

64. Between January and the end of August 2010, the United Nations supported the Mine Action Coordination Centre of Afghanistan and its partners provided mine risk education to 278,147 women and girls and 379,901 men and boys throughout Afghanistan.

VII. Recommendations

65. I welcome the endorsement by the Government of Afghanistan of the Action Plan to prevent the recruitment and use of children in Afghan National Security Forces, and the annexes to the Plan on the prevention of sexual violence against children and the killing and maiming of children. I urge the Government to ensure that adequate resources are allocated for effective implementation of the Action Plan, including introducing legislation aimed at criminalizing the recruitment of children in armed conflict and ensuring that no impunity is granted for grave violations against children under international law.

66. I call upon the donor community to ensure that flexible and sustainable funding is available for the timely and effective implementation of the aforementioned Action Plan by the United Nations and the Government of Afghanistan. Such funding should also take into account adequate monitoring and reporting activities to ensure compliance with the Action Plan, including the deployment of monitors in remote conflict-affected areas.

67. I urge the Government to ensure that appropriate child-specific provisions, and the allocation of adequate resources, are included in the Afghan Peace and Reconciliation Programme and in all peace and reconciliation efforts pursued by the Government with non-State actors.

68. I strongly encourage the Government to work closely with the Country Task Force for Monitoring and Reporting to strengthen reporting under Security Council resolution 1882 (2009) on sexual violence against children and killing and maiming of children, and to ensure an appropriate and swift programme and accountability response for victims of such violations.

69. I strongly urge the Taliban, the Haqqani network, Hezb-i-Islami and all other armed groups who are parties to the conflict to immediately stop the recruitment and/or use of children, and call upon them to undertake a dialogue with the United Nations country team in Afghanistan to arrange for the release of these children and cease any new recruitment or use, as called for in Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).

70. All parties to the conflict are urged to comply with principles of international law, to recognize and maintain the neutrality and safety of schools and hospitals, including their personnel, as "zones of peace".

71. I urge the Government and the international military forces to ensure due process for all juveniles detained because of their alleged association with armed groups, regardless of the arresting authority, with an emphasis on alternatives to prosecution, and to work on developing notification procedures to the Country Task Force for Monitoring and Reporting for all such children in their custody.

72. I call upon the international military forces and Afghan National Security Forces to continue their ongoing efforts to review tactics and procedures to avoid civilian casualties, particularly those of children. The United Nations stands ready to cooperate with their efforts.



Security Council

Distr.: General
7 February 2011

Original: English

Letter dated 5 February 2011 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

I have the honour to forward to you an urgent letter dated 5 February 2011 from H.E. Mr. Hor Namhong, Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia, addressed to you (see annex).

I would like to request that you circulate the letter from my Deputy Prime Minister as a document of the Security Council.

(Signed) Kosal Sea
Ambassador and Permanent Representative



Annex to the letter dated 5 February 2011 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

With reference to the letter dated 8 August 2010 from Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, addressed to H.E. Vitaly Churkin, President of the Security Council and H.E. Ali Abdussalam Treki, President of the General Assembly in 2010, I would like to draw your attention to the explosive situation at the border between the Kingdom of Cambodia and the Kingdom of Thailand as follows:

On 4 February 2011, between 15.00 and 17.00 hours, approximately 300 Thai troops entered Cambodian territory and attacked Cambodian troops at three locations, namely, Khmum, located just 500 metres from the staircase of the Temple of Preah Vihear, Veal Intry area and Phnom Trap hill, situated approximately 1,120 metres and 1,600 metres, respectively, from the border inside Cambodian territory. This aggression by Thai armed forces was also followed by firing of many 130 mm and 155 mm artillery shells, which reached as far as about 20 km inside Cambodian territory. The attack caused much serious damage to the Temple of Preah Vihear, a World Heritage site, as well as death and injury of more than 10 Cambodian troops and villagers.

Again, on the morning of 5 February 2011, at 06.30 hours, Thai armed forces fired a number of 105 mm artillery shells at Phnom Trap hill, which lasted for about 20 minutes.

Facing this flagrant aggression, Cambodian troops had no option but to retaliate in self-defence and in order to safeguard Cambodia's sovereignty and territorial integrity.

May I also recall that Thailand committed acts of aggression against Cambodia on three earlier occasions, namely, on 15 July 2008, 15 October 2008 and 3 April 2009 in the areas of the Keo Sikha Kiri Svara pagoda, Veal Intry, Phnom Trap hill and Tasem, all of which are in the vicinity of the Temple of Preah Vihear. These armed aggressions resulted in human casualties as well as property damage, especially to the Temple of Preah Vihear, which was listed as a World Heritage site on 7 July 2008.

The repeated acts of aggression against Cambodia by Thailand violate the following legal instruments:

1. The judgement of the International Court of Justice, on 15 June 1962.
2. Articles 2.3, 2.4 and 94.1 of the Charter of the United Nations.
3. The Treaty of Amity and Cooperation in Southeast Asia, article 2, to which Cambodia and Thailand are parties, provides for:
 - Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations
 - Settlement of differences and disputes by peaceful means
 - Renunciation of the threat or use of force

4. The Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia, articles 2.2.c, 2.2.d, of the Paris Peace Accord in 1991.

Considering this repeated blatant aggression by Thailand, I would highly appreciate it if you would circulate the present letter to the members of the Security Council as a document of the Council.

(Signed) Hor **Namhong**



Security Council

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Letter dated 5 February 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Thailand to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a copy of letter No. 1005/175 dated 5 February B.E. 2554 (2011) from His Excellency Mr. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand, addressed to you (see annex), providing the facts of the recent incidents between Thailand and Cambodia.

I further have the honour to request that the above-mentioned letter be circulated as a document of the Security Council.

(Signed) Jakkrit Srivali
Minister

Chargé d'affaires a.i. of the Permanent Mission
of Thailand to the United Nations



**Annex to the letter dated 5 February 2011 from the Chargé
d'affaires a.i. of the Permanent Mission of Thailand to the
United Nations addressed to the President of the Security Council**

With reference to the letter dated 10 August 2010 from H.E. Mr. Abhisit Vejjajiva, the Prime Minister of Thailand, to H.E. Mr. Vitaly Churkin, President of the Security Council for the month of August 2010, I have the honour to draw your kind attention to the facts concerning the recent incidents between Thailand and Cambodia as follows:

1. On 4 February 2011, at 15.20 hours, Cambodian troops opened fire at a Thai military post at Phu Ma Khua in Thai territory, using heavy weapons such as mortars, rocket-propelled grenades, recoilless rifles, long-range artillery and multi-launcher rockets. At 16.20 hours of the same day, Cambodian troops also opened fire from the area of the Temple of Phra Viharn at a Thai military post at Pha Mor I Dang in Thai territory. In between the two incidents, several artillery shells were fired by Cambodian troops into Phum Srol village in Si Sa Ket Province of Thailand, located about 5 kilometres away from the border area. The incidents lasted until 18.00 hours.

2. On 5 February 2011, at 06.15 hours, Cambodian troops once again opened fire using weapons such as AK-47 rifles, mortars, rocket-propelled grenades, grenade launchers, and recoilless rifles at Thai troops stationed in the area of Phu Ma Khua in Thai territory. The incident lasted until 07.45 hours.

3. Such attacks, which were carried out indiscriminately, resulted in the death of one Thai civilian, one Thai military personnel, the injury of 13 Thai military personnel, severe damage to Thai civilian properties, and the evacuation of over 6,000 Thai civilians residing along the border area.

4. Such attacks by Cambodian troops were in violation of international law. While Thailand has always exercised maximum restraint, Thai soldiers had no choice but to exercise the inherent right of self-defence in accordance with Article 51 of the Charter of the United Nations. Such exercise of the right of self-defence was on the basis of necessity, proportionality and strictly directed at military targets from where the attacks were launched by Cambodian troops.

5. In this regard, Thailand would like to state its position as follows:

5.1 Thailand protests in the strongest terms against such repeated and unprovoked armed attacks by Cambodian troops, which constitutes an act of aggression and a clear violation of the sovereignty and territorial integrity of Thailand.

5.2 Thailand observes strictly the purposes and principles of the Charter of the United Nations and its obligations under international law. Thailand wishes to reiterate that it has fully complied with the Judgment of the International Court of Justice of 15 June 1962 in the case concerning the Temple of Preah Vihear. It is Thailand's steadfast conviction that any differences between two countries shall be settled by peaceful means, which is in line with the common understanding and desire of both Thai and Cambodian leaders.

5.3 Thailand reaffirms its commitment to working closely and in good faith with Cambodia through all existing bilateral frameworks, including the Joint

Commission on Demarcation for Land Boundary, the General Border Committee, the Regional Border Committee and the Joint Commission for Bilateral Cooperation, to advance cooperation and achieve peaceful resolution of differences between the two countries for the common benefit of the peoples of Thailand and Cambodia and the family of the Association of Southeast Asian Nations.

6. Both countries also look forward to the earliest meeting of the Joint Commission on Demarcation for Land Boundary as agreed during the Thailand-Cambodia Joint Commission for Bilateral Cooperation meeting, which was co-chaired by the Foreign Ministers of both countries, in Siem Reap, Cambodia, in the morning of 4 February 2011. Thailand is in consultation with Cambodia on the date of the next Joint Commission on Demarcation for Land Boundary meeting to be held in Thailand soonest.

7. Currently, all channels of bilateral communication are open and officials of both countries are engaging in close consultations.

I have the honour to request you to circulate the present letter to the members of the Security Council for their information.

(Signed) Kasit **Piromya**
Minister of Foreign Affairs of the Kingdom of Thailand

**Security Council**

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Letter dated 6 February 2011 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

I have the honour to forward to you herewith a letter dated 6 February 2011, from Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, addressed to you (see annex) regarding Thailand's aggression against the sovereignty and territorial integrity of the Kingdom of Cambodia.

I also have the honour to request you to convene an urgent meeting of the Security Council with the participation of His Excellency Hor Namhong, Deputy Prime Minister, Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia, in order to address this flagrant act of aggression of Thailand, which is a grave threat to peace and security in the region.

(Signed) Kosal Sea
Ambassador and Permanent Representative
of the Kingdom of Cambodia to the United Nations



Annex to the letter dated 6 February 2011 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

With reference to my Foreign Minister's letter dated 5 February 2011 to you I wish to draw your attention to the worsening of the situation at the border between the Kingdom of Cambodia and the Kingdom of Thailand as follows:

Once again, despite negotiation by the field commanders of both sides for a ceasefire, on 6 February 2011, at 18.20 hours, Thai armed forces launched a full-scale armed aggression against Cambodia, using heavy sophisticated weapons including many 105, 120, 130 155 mm artillery shells, which were fired into the Temple of Preah Vihear, a World Heritage site, the region of Tasem, Veal Intry and Phnom Trap hill, and others. All these areas are well inside Cambodian territory. Thai artillery shells have landed as far as approximately 20 km inside Cambodian territory.

While I write this letter to you, Thai armed forces still continue firing heavy weapons into Cambodian territory.

This fresh onslaught by Thai armed forces has resulted in more human casualties and damages to the Temple of Preah Vihear as well as other properties.

The repeated acts of aggression against Cambodia by Thailand violate the following legal instruments:

1. Articles 2.3, 2.4 and 94.1 of the Charter of the United Nations
2. The Treaty of Amity and Cooperation in Southeast Asia, article 2, to which Cambodia and Thailand are parties, provides for:
 - Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations
 - Settlement of differences and disputes by peaceful means
 - Renunciation of the threat or use of force
3. The Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia, articles 2.2.c, 2.2.d, of the Paris Peace Accord in 1991.

Considering the recent extremely grave aggressions by Thailand, which has gravely threatened peace and stability in the region, I earnestly request you to convene an urgent meeting of the Security Council so as to stop Thailand's aggression. I would also highly appreciate it if you would circulate the present letter to the members of the Security Council as a document of the Council.

Hun Sen